

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	:	
	:	CRIMINAL ACTION
v.	:	
	:	NO. 03-10364-RWZ
KENNETH WAGNER	:	

MOTION TO CONTINUE TRIAL DATE

Comes now the United States of America, by Michael J. Sullivan, United States Attorney, and Nadine Pellegrini, Assistant United States Attorney for the District of Massachusetts, and files this Motion to Continue Trial Date for the above-captioned matter as follows:

1. On Tuesday, June 22, 2004, at the conclusion of the suppression hearing, the court and counsel conferred as to an available trial date. It was eventually determined that the trial could proceed on August 2, 2004.

2. At that time, Special Agent Kevin Gaul, Department of Transportation, Office of Inspector General, who had testified for the government, was present in the courtroom but did not have his date book with him.

3. Upon returning to his office and conferring with his family, Agent Gaul determined that he will, in fact, be out of state on a vacation that has been paid for from July 31 through August 7, 2004.

4. Agent Gaul is essential to the government's prosecution, In addition to his testimony, Agent Gaul is also the case agent. The government would not be able to proceed with him.

Therefore, the government respectfully requests a brief continuance to a time and date convenient to all of the parties.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/Nadine Pellegrini
Nadine Pellegrini
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

This is to certify that I have this day served upon the person listed below a copy of the foregoing document by electronic filing.

James H. Budreau, Esq.
Oteri, Weinberg & Lawson, PA
20 Park Plaza, Suite 905
Boston, MA 02116

This 25th day of June, 2004.

/s/Nadine Pellegrini
Nadine Pellegrini
Assistant U.S. Attorney